

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Wednesday, March 13, 2024

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairman Guthrie, Vice Chairman Bernt, Senators Winder, Anthon, Harris, Lee, Toews (Toews), Wintrow, and Ruchti

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Guthrie** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

WELCOME: **Chairman Guthrie** welcomed all to the Committee meeting.

H 656 **STATE PROCUREMENT ACT - Amends existing law to revise a provision regarding application of the Administrative Procedure Act and to establish provisions regarding a lowest responsible bidder. Representative Manwaring** stated that the Department of Administration had oversight of State purchasing decisions that used taxpayer funds. He remarked that **H 656** permitted expedited judicial review of State purchasing decisions without receiving prior approval from the Department of Purchasing. He stated that the deadline for an administrative appeal was paused until public records related to the purchasing decision were provided.

DISCUSSION: **Senator Lee** referenced page three and asked if any current solicitations or contracts were impacted. **Representative Manwaring** replied that **H 656** went into effect on July 1, 2024. **Senator Lee** asked if there were any gray areas, or if **H 656** was all prospective. **Representative Manwaring** replied that the law went into effect July 1, and that **H 656** was prospective.

MOTION: **Senator Winder** moved to send **H 656** to the floor with a **do pass** recommendation. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL: Chairman Guthrie passed the gavel to Vice Chairman Bernt.

S 1418 **FIREARMS ON SCHOOL PROPERTY - Amends existing law to authorize a school employee who possesses an enhanced license to carry concealed weapons to carry on school property in certain instances. Chairman Guthrie** stated that **S 1418** required school districts to adopt policies and procedures related to school employees and their ability to conceal carry firearms for school safety purposes. He remarked that peace officers could carry whether they were on or off duty. He stated that the language defined governing board, media control, school employee, and school property. He stated that independent contractors, volunteers, or students were not allowed to carry. He stated that an enhanced conceal carry permit and annual refresher training were required for employees to carry. He remarked that **S 1418** provided safe harbor for discipline, retaliation, or adverse work conditions for employees who carried, as long as they complied with the policy.

Chairman Guthrie noted that nothing prohibited a private school from permitting or prohibiting the ability to conceal carry. He remarked that there was an exemption for civil damages against the school, school employees, or school board members when a claim arose out of lawful carrying. He stated that there was lawful protection for employees who chose not to engage in conceal carry. He remarked that if a school chose to display a Gun Free Zone sign, that the language "except as provided by local authority" be included. He remarked that **S 1418** provided for local control. He stated that the policy must be in place by January 1, 2026 and implemented by July 1, 2026. He stated that there were options for ongoing training.

TESTIMONY:

The following people testified in support of **S 1418**: **Jacquelyn Hamilton, Caroline Grey, Brayden Miller, Kylie Castellaw, Marsha Bravo, Margi Bass, Roberta Olson, Tara Adams, and Alice Arambarri**. The common themes were an appreciation of the hard work of Chairman Guthrie in working with the disparate stakeholders to reach a compromise, the focus on school safety, the involvement of law enforcement and school resource officers, and the input of teachers and school boards. There was strong support of local control and community input.

The following people testified in opposition to **S 1418**: **Fred Birnbaum, Christy Zito, Griff Marshall, Nathan Guy, and David Pettinger**. The common themes were that **S 1418** had too many restrictions, including required annual training and allowing the school board to restrict the type of firearm and ammunition. **S 1418** was a restriction of Second Amendment rights.

Written testimony provided in support and in opposition of **S 1418** appears in Attachment 1.

A letter provided by the National Rifle Association in opposition to **S 1418** appears in Attachment 2.

A letter provided by Nancy Gregory in opposition to **S 1418** appears in Attachment 3.

TESTIMONY:

Robert Gillis, Idaho Tough on Crime, testified in opposition to **S 1418**. He remarked that he was a law enforcement veteran and had hours of active shooter training and experience. He stated that he responded to an active shooter situation and access was difficult and the situation was confusing. He remarked that **S 1418** was too restrictive and difficult to implement. He remarked that school districts would prevent conceal carry.

DISCUSSION:

Senator Lee asked if the annual training was an important addition to previous proposals. **Mr. Gillis** replied that enhanced conceal carry and active shooter training was important. He remarked that local policy dictated the training that would be required. He stated that employees decided if they wanted to conceal carry once they understood the requirements.

TESTIMONY:

Aoibheann Cline, State Director, National Rifle Association (NRA), stated that the NRA opposed **S 1418**. She remarked that the training, authorization, and drafting issues were a "wish list" for those who opposed **H 415**. She stated that **S 1418** did not represent local control. She urged a hearing on **H 415** and stated that **S 1418** injected gun control provisions into Idaho code. She remarked that school boards were not experts on firearms and should not determine the type of gun or the appropriate use of force.

DISCUSSION: **Senator Ruchti** asked Ms. Cline if she viewed **S 1418** as a Second Amendment bill or a school safety bill. **Ms. Cline** replied that she viewed it as a Second Amendment issue placed on schools.

TESTIMONY: **Quinn Perry**, Deputy Director, Idaho School Boards Association (ISBA), stated that the ISBA was neutral at this point because there were member boards on both sides. She remarked that the locally elected school boards were in the best position to determine school safety policies. She commented that **S 1418** created a floor, and not a ceiling. She listed details of the bill and thanked the stakeholders for developing a consensus.

DISCUSSION: **Senator Wintrow** referenced previous testimony regarding signage and board policy and asked Ms. Perry to address these issues. **Ms. Perry** replied that it was a good idea to keep the Gun Free School signs and add the additional wording. She remarked that school districts supported having extra time to develop and implement the policy. She stated that the training language was approved by law enforcement. She remarked that the ISBA supported local control.

Senator Ruchti referenced the 15 school districts that currently had conceal carry policies, and asked why local control had been important in tailoring policies. **Ms. Perry** replied that local control was important because no two communities were identical. She remarked that school board members were also members of the local community.

TESTIMONY: **Morgan Ballis**, President, Idaho Association of School Resource Officers, testified in support of **S 1418**. He remarked that **S 1418** demonstrated the power of collaboration and provided a pathway for educators to conceal carry while maintaining local control. He supported the policies contained in the bill because they were developed from policies in place across the State.

DISCUSSION: **Senator Winder** asked Mr. Ballis to share his immediate response experience. **Mr. Ballis** stated that his mom was present at an active shooter event, and that he was a PhD candidate in emergency management. He remarked that the biggest concern for law enforcement was delayed response time due to the lack of a plan. He stated that all armed personnel were treated like suspects. He stated educators should have a pathway to be armed, but it must be done in a thoughtful way.

Senator Winder asked how to achieve balance so that citizens could defend themselves if law enforcement did not respond properly. **Mr. Ballis** replied that school boards could enact policy, and thoughtful policy moved school safety forward. He stated that **S 1418** mandated a policy, and that policy could be enacted at any time.

Senator Ruchti asked how **S 1418** worked for law enforcement once they were called to a school. **Mr. Ballis** replied that officers did not self-deploy. He remarked that **S 1418** ensured that law enforcement had opportunity to know the school employees and develop policy to identify conceal carry employees in an active shooter situation.

Senator Bernt asked if there was discussion with law enforcement in developing **S 1418**. **Mr. Ballis** replied that they were involved and had collaborated on the standards of training. He remarked that the standards of training were broad.

TESTIMONY: **Stu Hobson**, Idaho Association of School Resource Officers, testified in support of **S 1418**. He remarked that the safety of students and staff was paramount. He stressed that mindset was important in an active shooter situation, and most teachers were not trained with the proper focus. He remarked that teachers not only defended themselves, but also their students. He stated that the proper mindset was established through training. He supported local control.

DISCUSSION: **Senator Winder** asked how limiting the type of weapon added to school protection. **Mr. Hobson** replied that it was important to consider penetration. He remarked that high speed rounds penetrated multiple walls and resulted in additional injuries.

Senator Ruchti asked if it was more reasonable to allow employees to carry the weapon they had trained with rather than mandate a specific weapon. **Mr. Hobson** replied that ongoing training was required to ensure familiarity with the weapon, and school districts decided what types of weapons were allowed.

Senator Bernt asked about the difference between hollow point and full metal sleeve ammunition. **Mr. Hobson** replied that hollow point ammunition slowed down upon impact.

TESTIMONY **Dianna David** stated that she supported **S 1418**. She remarked that she was a retired insurance professional, a gun owner, and a survivor of gun violence. She stated that school shooting incidents were connected to domestic violence and suicidal thoughts. She recommended a focus on prevention. She stated that allowing guns in schools was dangerous, but that **S 1418** was the smartest gun bill she had seen.

DISCUSSION: **Senator Wintrow** stated that she appreciated Ms. Davis' focus on prevention rather than response. She asked Ms. Davis how to help prevent gun violence in schools. **Ms. Davis** responded that red flag laws helped prevent gun violence. She remarked that these laws were not well understood and not in place in Idaho. She also recommended gun storage laws.

DISCUSSION: **Chairman Guthrie** closed by remarking that the testimony was powerful. He stated that the hurdles to conceal carry were high because in the heat of the moment, even law enforcement officers had difficulty making decisions. He remarked that Gun Free Zone signs were not mandatory. He stated that he appreciated the background and testimony of Mr. Ballis. He referenced Mr. Hobson's testimony and why it was important to consider ammunition. He was involved and worked long and hard on **S 1418** to balance the needs of all stakeholders.

Chairman Guthrie asked the Committee members if, when they looked at a tough issue, they saw an obstacle or an opportunity. He stated that, based on today's meeting, he saw opportunity. He remarked that he was told about **H 415** early in the session, but did not become involved until it came over to the Senate. He stated that from the start, however, he told the sponsors that he was not comfortable with **H 415** without amendments. He remarked that there was not an absence of inclusion in the drafting of **S 1418**. He stated that he worked with teachers, students, law enforcement, and many groups. He stated that with policy this impactful and emotionally charged, he chose to err on the side of local control.

Chairman Guthrie remarked that policies would and should be different across school districts. He asked the Committee and those in the room to remember their teachers. He stated that the local human infrastructure deserved to be involved in the discussion. He stated that this was a school safety issue. He

remarked that the hateful emails he received were worth it if those imbedded in the school systems were involved.

MOTION: **Senator Winder** moved to hold **S 1418** in Committee. **Senator Harris** seconded the motion.

DISCUSSION: **Senator Winder** commended Chairman Guthrie's effort, but stated that the issues were difficult. He remarked **S 1418** was a Second Amendment bill, not a school safety bill. He stated that teachers should be able to defend themselves. He stated that **S 1418** was not the right answer, and more work was needed.

Senator Wintrow stated that this was the first time that she supported a gun bill. She remarked that with a stake in the ground, opportunities were lost. She remarked that the role of legislators was finding common ground. She stated that the job of a legislator was listening to testimony and making the best possible decision. She appreciated the testimony of Mr. Gillis. She would rather have no guns at all, but she appreciated local involvement in policy. She remarked that **S 1418** was thoughtful, and she did not support the motion to hold **S 1418** in Committee.

SUBSTITUTE MOTION: **Senator Lee** moved to send **S 1418** to the **14th Order of Business** for possible amendment. **Senator Wintrow** seconded the motion.

DISCUSSION: **Senator Lee** stated that **S 1418** was a school safety bill. She remarked that the Second Amendment was clear, but courthouses, airports, and schools were treated differently. She stated that compromise was not weakness, and **S 1418** could move forward while still keeping stakeholders at the table. She was afraid that rigid positions would result in nothing.

Senator Winder commented that **S 1418** was difficult to amend in the 14th Order. He recommended keeping **S 1418** in Committee for further work.

ROLL CALL VOTE: **Senator Bernt** called for a roll call vote on the substitute motion. **Senators Lee, Wintrow, Ruchti, and Guthrie** voted aye. **Senators Bernt, Winder, Anthon, Harris, and Toews** voted nay. The motion failed.

DISCUSSION: **Senator Winder** stated that **S 1418** was not the answer, but that more work could be done on **S 1418** or **H 415** to arrive at a resolution.

Senator Anthon remarked that Idaho was ranked as the best state for gun and ammunition owners. He stated he was pro Second Amendment. He remarked that everyone in the room supported child safety, and that the Chairman was trying to develop reasonable legislation that worked for everyone. He supported holding **S 1418** in Committee.

Senator Ruchti viewed **S 1418** as a school safety bill. He remarked that it was difficult to mesh gun rights with school safety. He viewed **S 1418** as a school safety bill because it dealt with schools. He remarked that the issue was extremely complicated.

Senator Winder commented that courthouses and airports were separated by making them fortresses, and that was not appropriate or desired for schools. He remarked that there was a balance between safety and protection.

Senator Bernt recognized the strong leadership of the Committee members and Chairman Guthrie. He stated that he hoped that everyone stepped up to have the hard discussion, because **S 1418** dealt with children. He stated that the discussion was important.

Senator Wintrow remarked that she did not see **S 1418** as a Second Amendment or a school safety issue. She remarked that both could live together, and it was important to be reasonable and balanced. She wanted to focus on how to make things right.

**ROLL CALL
VOTE:**

Senator Bernt called for a roll call vote on the motion. **Senators Bernt, Winder, Anthon, Harris, and Toews** voted aye. **Senators Lee, Wintrow, Ruchti, and Guthrie** voted nay. The motion carried.

ADJOURNED:

There being no further business at this time, **Vice Chairman Bernt** adjourned the meeting at 9:57 a.m.

Senator Guthrie
Chair

Peggy Caraway
Secretary